

REMARKS

Prior to the present amendment, claims 1, 2, 4-9, 11-21, and 25-27 were pending. By the present amendment, applicants have amended claims 1 and 9, added new claims 28-32, and cancelled claim 2.

Claim 1 was amended to add the feature “wherein the insoluble vegetable protein is obtained by thermal coagulation.” Support for the amendment is found in the specification as filed on page 6, line 21 to page 7, line 14. Claim 9 was amended to add a space after a comma. New claims 28-32 are directed towards methods involving preparing a batter by isolating an insoluble vegetable protein by thermal coagulation and mixing the protein with insoluble dietary fibers. Support for new claims 28-32 is found in the specification as filed on page 2, line 22 to page 3, line 3 and page 6, line 21 to page 7, line 14. No new matter has been introduced by these amendments.

Accordingly, claims 1, 4-9, 11-21, and 25-32 are under examination.

35 U.S.C. 112 REJECTION

Claims 1, 2, 4-9, 11-21, and 25-27 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite. According to the examiner, claim 1 lacked antecedent basis for “said fiber.” Applicants have amended claim 1 to state “said fibers.” Withdrawal of the 35 U.S.C. 112, second paragraph, rejection is respectfully requested.

35 U.S.C. 102 REJECTION

Claim 2 was rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,133,984 to Murphy, et al. Claim 2 has been cancelled in the present amendment. Accordingly, the rejection under 35 U.S.C. 102(b) in view of Murphy, et al. has been rendered moot.

Claims 1, 4, 5, 7, and 11-13 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,306,447 to Jensen. According to the examiner, Jensen discloses insoluble vegetable protein such as soy protein and also discloses protein from cereal such as barley proteins, oat proteins, rice proteins, wherein said proteins are isolated from their sources and insoluble. The examiner further contends that Jensen discloses insoluble dietary fibers such as potato fibers.

Applicants have amended claim 1 to specify that the insoluble vegetable protein is obtained by thermal coagulation. Jensen does not disclose the use of thermal coagulation to isolate the vegetable protein.

Accordingly, reconsideration and withdrawal of the 35 U.S.C. 102(b) rejection of claim 1 and dependent claims 4, 5, 7, and 11-13 in view of Jensen is respectfully requested.

35 U.S.C. 103 REJECTIONS

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jensen. According to the examiner, Jensen discloses insoluble vegetable protein and insoluble dietary fibers. The examiner therefore concludes that it would be expected that the solubility of the protein and/or fiber in water at a temperature of 20°C is 10 wt.% or less based upon the total weight of the solution.

Applicants have added the feature into claim 1 that the insoluble vegetable protein is obtained by thermal coagulation. Jensen does not disclose or suggest the use of thermal coagulation to isolate the vegetable protein.

Accordingly, reconsideration and withdrawal of the 35 U.S.C. 103(a) rejection of claim 6 over Jensen is respectfully requested.

Claims 1, 2, 4-9, 11-21, and 25-27 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 4,272,553 to Bengtsson, et al. in view of Australian Patent Application No. 54821/90 to Landon. According to the examiner, Bengtsson discloses a batter composition for coating vegetables comprising insoluble dietary fibers, such as potato fiber. The examiner concedes that Bengtsson does not disclose the incorporation of an insoluble vegetable protein. Accordingly, the examiner relies upon Landon for disclosing a batter composition for

coating vegetables containing a filling agent in the form of casein or soya milk proteins or soya protein.

The examiner maintains that it would have been obvious for a person having ordinary skill in the art to combine Bengtsson and Landon to create a batter containing an insoluble dietary fiber and an insoluble vegetable protein.

As discussed above, applicants have amended claim 1 to add the feature into claim 1 that the insoluble vegetable protein is obtained by thermal coagulation. Neither Bengtsson nor Landon disclose or suggest the use of thermal coagulation to isolate the vegetable protein.

Accordingly, reconsideration and withdrawal of the 35 U.S.C. 103(a) rejection of claims 1, 2, 4-9, 11-21, and 25-27 over Bengtsson in view of Landon is respectfully requested.

NEW CLAIMS

New claims 28-32 are directed towards methods of preparing a batter composition including isolating an insoluble vegetable protein using thermal coagulation and then mixing the insoluble vegetable protein with insoluble dietary fibers.

Applicants maintain that new claims 28-32 are patentable over the cited references. Favorable consideration is respectfully requested.

Applicants respectfully submit that the application is now in proper form for allowance, which action is earnestly solicited. If resolution of any remaining issue is required prior to allowance of the application, it is respectfully requested that the examiner contact applicants' attorney at the telephone number provided below.

Respectfully submitted,

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